

The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.

Paper No. 20

UNITED STATES PATENT AND TRADEMARK OFFICE

**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Ex parte ADAM S. WYSZYNSKI

MAILED

MAR 21 2002

Appeal No. 2001-1790
Application No. 08/579,072

PAT. & T.M. OFFICE
BOARD OF PATENT APPEALS
AND INTERFERENCES

ORDER REMANDING TO EXAMINER

We are in receipt of the following papers entered after the Examiner's Answer
(Paper No. 13):

- ◆ Request for Oral Hearing (Paper No. 14), entered October 5, 1999
- ◆ Request for Telephonic Hearing, (Paper No. 15) entered October 1, 1999
- ◆ Reply Brief (Paper No. 16), entered October 1, 1999
- ◆ Amendment C (Paper No. 17), entered October 1, 1999
- ◆ Information Disclosure Statement (Paper No. 19), entered February 12, 2002

Your requests for hearing (Paper Nos. 14 and 15) have been noted.

The Reply Brief has not been responded to. In accordance with the revision effective December 1, 1997, Title 37, Code of Federal Regulations, § 1.193 states:

(b)(1) . . . The primary examiner must either acknowledge receipt and entry of the reply brief or withdraw the final rejection and reopen prosecution to respond to the reply brief.

In view of this revision, the examiner must reopen prosecution in order to respond to the Reply Brief (Paper No. 16). Otherwise, if the examiner chooses not to respond to the arguments presented in the Reply Brief, the examiner needs to acknowledge receipt and entry of the reply brief.

An Advisory Action (Paper No. 18) was entered December 19, 1999, in response to the Amendment (Paper No. 17).

An Information Disclosure Statement (IDS) was filed February 12, 2002 (Paper No. 19) and has been matched with this application at the Board of Patent Appeals and Interferences. The IDS needs to be considered by the Primary Examiner with respect to compliance with the criteria set forth in 37 CFR §§ 1.97 and 1.98. A written communication notifying appellant of the Primary Examiner's decision is required.

Accordingly, it is

ORDERED that the application is remanded to the examiner for consideration and proper response to the Reply Brief, and it is

FURTHER ORDERED that the application is remanded to the Examiner for consideration of the IDS, and for such further action as may be appropriate.

It is important that the Board of Patent Appeals and Interferences be informed promptly of any action affecting the appeal (i.e., abandonment, issue, reopening prosecution).

BOARD OF PATENT APPEALS
AND INTERFERENCES



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